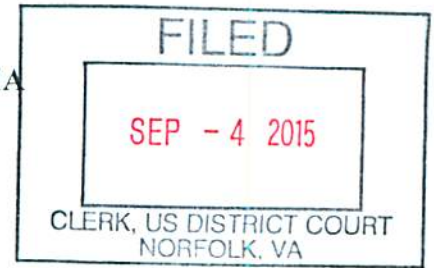


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



BENJAMIN H. EDWARDS, #1152750,

Petitioner,

v.

ACTION NO. 2:15cv4

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. The petition alleges violation of federal rights pertaining to Petitioner's convictions on July 2, 2011, in the Circuit Court for the City of Norfolk for aggravated malicious wounding, possession of a concealed weapon by a felon, and trespassing, as well as four probation violations. As a result of the convictions, Petitioner was sentenced to serve twenty-seven years and nine months in the Virginia penal system.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed July 24, 2015, recommends dismissal of the petition with prejudice. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.


The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation, and it is therefore ORDERED that Respondent's Motion to Dismiss (ECF No. 6) is GRANTED, and the petition is DENIED and DISMISSED with prejudice as barred by the statute of limitations. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

Norfolk, Virginia
September 4, 2015



Raymond A. Jackson
United States District Judge